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May 24, 2017

MEMO ENDORSED

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Via ECF

Hon. Lewis A. Kaplan, United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>MAY 25 2017</u>

Re: *trueEX, LLC et al. v. MarkitSERV Limited et al.*, 17-CV-3400 (LAK)

Dear Judge Kaplan:

We represent Defendants MarkitServ Limited and MarkitServ, LLC (“MarkitServ”) in the above-captioned action. Pursuant to Your Honor’s Individual Rules and Section 13.1 of the ECF Rules and Instructions, we submit this letter motion to file under seal portions of Defendants’ Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction, and certain documents and information filed in support thereof, to be filed on Thursday, May 25, 2017.

Specifically, MarkitServ seeks to file under seal (i) documents produced by Plaintiffs and designated “Attorneys’ Eyes Only;” and (ii) materials containing commercially sensitive business and financial information related to costs, revenues, profits, and market shares.

MarkitServ seeks to seal only the material that would disclose confidential and sensitive information. It will file redacted copies of the relevant papers on ECF. Unredacted copies will be provided to counsel for Plaintiffs and delivered to chambers in accordance with the Court’s Individual Rules.

MarkitServ accordingly respectfully requests that the Court so-order this request.

Respectfully Submitted,

/s/ *Colin Kass*

Colin Kass

No doubt reflecting the expedited nature of this proceeding, the parties have not agreed upon and sought Court approval of the sort of confidentiality order that often is entered in a case of this nature. Defendants nevertheless move to file portions of their brief and certain other papers in opposition to the preliminary injunction motion under seal. DI 26.

In view of the tight schedule and related circumstances, the Court grants the motion subject to the following provisos:

1. The Court has made no individualized determination that the requirements for sealing particular documents or portion thereof have been satisfied. In the event any party or non-party seeks the unsealing of any sealed material, the party that filed it and, where appropriate, any other party seeking confidential treatment/sealing will be obliged to establish that those requirements have been satisfied, failing which the material in question will be unsealed.

2. Any documents sealed pursuant to this order will be unsealed by the Clerk on or after May 25, 2022 absent further order of the Court.

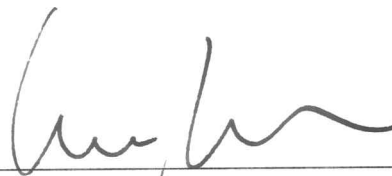
3. Defendants shall arrange with chambers for

(a) The public filing of copies of their papers redacted in such a way as to prevent public disclosure of documents or portions thereof that are filed under seal.

(b) The submission as promptly as possible of unredacted copies of all of their papers in PDF format in time for those papers to be made available to the undersigned over the holiday weekend from a remote location via a secure communications link.

SO ORDERED.

Dated: May 25, 2017



Lewis A. Kaplan
United States District Judge